

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 12TH SEPTEMBER 2007 / 21ST BHADRA 1929

CRP.No. 2405 of 2002()

AGAINST THE ORDER DATED 13/06/2002 IN EP. 85/2001 IN
OS.677/1997 of PRL.M.C., KOCHI
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REVN. PETITIONER: 2N J.D.2ND DEFENDANT:

P.A.GOKULAN, S/O.AYYAPPANKUTTY,
SEALER, GOODS SHED,C.R.L.SIDING(E.R.N.S.)
IRIMPANAM, SOUTHERN RAILWAY.

BY ADV. SRI.BABU CHERUKARA

RESPONDENTS/D.H.(PLAINTIFF)/1ST J.D.(1ST DEFENDANT):

1. LITTLE FLOWER KURIES AND ENTERPRISES
LTD., FORT COCHIN, COCHIN - 1.
2. P.UNNIKRISHNAN, S/O.NARAYANAN NAMBIAR,
SENIOR GOODS CLERK, GOODS SHED,
C.R.L.SIDDING (E.R.N.S.)IRUMPANAM,
SOUTHERN RAILWAY.

BY ADV. SRI.JIMMY JOHN VELLANIKARAN

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 12/09/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

CRP NO. 2405 OF 2002

ORDER ON CMP No. 6009 OF 2002 IN CRP NO.2405 OF 2002

DISMISSED.

12.09.2007

SD/- PIUS C. KURIAKOSE, JUDGE.

PIUS C. KURIAKOSE, J.

C.R.P. No. 2405 OF 2002

Dated this the 12th day of September, 2007

O R D E R

The 1st respondent decree holder is already served with notice. The issue can be decided with the petitioner and the 1st respondent already served. This Civil Revision Petition need not be treated as defective.

2. In this Civil Revision Petition under Section 115 of the Code, the petitioner who is the second judgment debtor impugns the order of the learned Munsiff attaching his salary to the extent of Rs.1,800/- per mensem for 24 months. This court became inclined to grant stay only subject to the condition that attachment will operate to the extent of Rs.800/- per mensem from out of the salary of the petitioner. The order of stay was passed as early as on 13.11.02. The total decree debt, it is seen was around Rs.26,000/- only. Obviously, the Execution Petition was proceeding against other judgment debtors also. In all probability, the decree debt has been realised. Even otherwise, I do not find any infirmity about the impugned order which seems to have been passed on the basis of some materials placed before the Execution Court regarding the attachable portion of the petitioner's salary.

I dismiss the Civil Revision Petition. However, I permit the

petitioner to produce his latest salary certificate before the court below and seek modification of the impugned order.

PIUS C. KURIAKOSE, JUDGE

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